

# COMMITTEE REPORT

## MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 16-41-10-1 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this
- 5       chapter, "emergency medical services provider" means a firefighter, a
- 6       law enforcement officer, a paramedic, an emergency medical
- 7       technician, a nurse licensed under IC 25-23, or other person who
- 8       provides emergency medical services in the course of the person's
- 9       employment."
- 10      Page 2, line 5, after "receiving" insert "medical director of the
- 11      emergency department of the".
- 12      Page 2, line 15, after "patient" insert "(including a patient who is
- 13      unable to consent due to physical or mental incapacity)".
- 14      Page 2, line 20, delete "disease;" and insert "disease of a type that
- 15      has been epidemiologically demonstrated to be transmittable by an
- 16      exposure of the kind experienced by the emergency medical
- 17      services provider;"
- 18      Page 2, line 21, delete ":".
- 19      Page 2, line 22, delete "(A)".

- 1 Page 2, run in lines 21 through 22.
- 2 Page 2, line 23, delete "; and" and insert ".".
- 3 Page 2, delete line 24, begin a new line blocked left and insert:
- 4 **"The medical director or physician shall notify the emergency**
- 5 **medical services provider of the test results."**
- 6 Page 3, line 6, delete "disease;" and insert **"disease of a type that**
- 7 **has been epidemiologically demonstrated to be transmittable by an**
- 8 **exposure of the kind experienced by the emergency medical**
- 9 **services provider;"**.
- 10 Page 3, line 16, after "the" insert **"exposed emergency medical**
- 11 **services provider, the exposed emergency medical services**
- 12 **provider's employer, or the"**.
- 13 Page 3, line 17, delete "shall:" and insert **"may:"**.
- 14 Page 3, line 18, delete "not more than" and insert **"as soon as**
- 15 **possible; or**
- 16 **(B) petition the circuit or superior court having**
- 17 **jurisdiction in the county of the patient's residence or**
- 18 **where the employer of the exposed emergency medical**
- 19 **services provider has the employer's principal office for an**
- 20 **order requiring that the patient provide a blood or body**
- 21 **fluid specimen."**
- 22 Page 3, delete lines 19 through 22.
- 23 Page 3, line 27, strike "notification."
- 24 Page 3, line 27, after "chapter." insert **"the test results."**
- 25 Page 3, line 28, strike "The notification required by this section shall
- 26 be made" and insert **"The medical director or physician described in**
- 27 **section 3 of this chapter shall notify the emergency medical**
- 28 **services provider of the test results"**.
- 29 Page 3, line 29, after "patient" insert **"medical director or**
- 30 **physician receives the"**.
- 31 Page 3, line 30, after "results" insert ".".
- 32 Page 3, line 30, delete "establish whether a patient".
- 33 Page 3, line 30, strike "has a dangerous".
- 34 Page 3, strike line 31.
- 35 Page 3, line 32, delete "incident exposure." and insert **"incident."**
- 36 Page 3, between lines 32 and 33, begin a new paragraph and insert:
- 37 **"SECTION 3. IC 16-41-10-3.5 IS ADDED TO THE INDIANA**
- 38 **CODE AS A NEW SECTION TO READ AS FOLLOWS**

- 1 [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. (a) A medical facility may not**  
 2 **physically restrain a patient described in section 2.5 of this chapter**  
 3 **in order to test the patient for the presence of a dangerous**  
 4 **communicable disease.**
- 5 (b) Nothing in this chapter prohibits a patient from being  
 6 discharged from a medical facility before:
- 7 (1) a test is performed under section 2.5 or section 3 of this  
 8 chapter; or
- 9 (2) the results of a test are released under section 3 of this  
 10 chapter.
- 11 (c) A provider or a facility that tests a patient for the presence  
 12 of a dangerous communicable disease under section 2.5 or section  
 13 3 of this chapter is immune from liability for the performance of  
 14 the test over the patient's objection or without the patient's  
 15 consent. However, this subsection does not apply to an act or  
 16 omission that constitutes gross negligence or willful or wanton  
 17 misconduct".
- 18 Page 4, line 3, after "Expenses of" insert "testing or".
- 19 Page 4, after line 20, begin a new paragraph and insert:
- 20 "SECTION 6. IC 34-30-2-81.5 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2003]: **Sec. 81.5. IC 16-41-10-3.5 (Concerning**  
 23 **a provider who tests a patient for the presence of a dangerous**  
 24 **communicable disease).**".
- 25 Renumber all SECTIONS consecutively.  
 (Reference is to SB 179 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 11, Nays 0.

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Bray

Chairperson